

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15321 of Robert F. McCulloch, as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 2003 to continue to operate an automatic coin operated laundromat with a maximum of 27 machines and a dry cleaning pick-up service approved under Board Order No. 14749 on part of the first floor in an R-4 District at premises 300 11th Street, S.E., (Square S-990, Lot 812).

HEARING DATE: July 13, 1990
DECISION DATE: July 13, 1990 (Bench Decision)

SUMMARY ORDER

At the public hearing, the application was amended to eliminate the request to increase the number of machines from twenty-seven to thirty-four as originally advertised. The applicant stated that there was no intention to increase the number of machines - only to renew the previous approval of the Board for twenty-seven machines.

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 6B and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 6B. ANC 6B, which is automatically a party to the application, filed a written statement conditionally supporting the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 2003. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that granting the relief will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to adversely affect the use of neighboring property in accordance with the Regulations and Maps. It is therefore ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of SEVEN YEARS.
2. The hours of operation shall not exceed from 7:00 A.M. to 9:00 P.M. daily.
3. An attendant shall be present on the premises at all times that the facility is in operation.
4. The dry cleaning pick-up and coin-operated laundry shall not be operated as two separate independent facilities. The floor plans of the premises shall be laid out so that there is an unimpeded view of the coin-operated laundry and the coin-operated laundry and the dry-cleaning pick-up operation.
5. Inflammable dry cleaning materials or material with toxic odors and fumes shall not be used at the premises.
6. The exterior and interior of the subject premises shall be maintained in a neat and orderly appearance and safe and clean condition at all times.
7. The applicant shall insure that the interior and exterior of the premises shall be monitored at all times the facility is in operation to prevent loitering or congregating of persons not patronizing the facility.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Charles R. Norris, John G. Parsons, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: 11 30 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15321order/LJP63

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL No. 15321

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated JUL 30 1990 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Robert F. McCulloch
4800 Upton Street, N.W.
Wash, D.C. 20016

Elizabeth Stabler
304 11th Street, S.E.
Wash, D.C. 20003

William Williams, Jr.
236 47th Street, N.E.
Wash, D.C. 20019

Allean Brown Chairperson
ANC-6B
921 Penn Ave., SE, #108
Wash, D.C. 20003

A handwritten signature in dark ink, appearing to read "E. Curry", is written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: JUL 30 1990